

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 MARY MONTGOMERY and STEVEN
10 MONTGOMERY, individually and their
11 marital community,

12 Plaintiffs,

13 v.

14 SEARS ROEBUCK & CO., a New York for-
15 profit corporation d/b/a SEARS
16 MERCHANDISE GROUP; U.S. RETAIL
17 PARTNERS, LLC, a Delaware limited
18 liability corporation,

19 Defendants.

C07-1005Z

MINUTE ORDER

17
18 The following Minute Order is made by direction of the Court, the Honorable Thomas
19 S. Zilly, United States District Judge:

20 (1) Defendants' motions, (docket nos. 91 and 94) to strike the Steven Montgomery
21 declaration, (docket no. 86), are DENIED. The declaration is based on personal knowledge
22 and states facts or opinions the witness may testify to at trial. The defendants' motions (also
23 contained in docket nos. 91 and 94) to strike references to the ASTM and USDOT standards
24 are also DENIED. See Fed. R. Evid. 803(18).

25 (2) Defendants' motions for summary judgment, (docket nos. 73 and 78) and
26 plaintiffs' cross-motion for partial summary judgment, (docket nos. 88 and 90), are DENIED.
27 There are material issues of fact that preclude summary judgment.

28 (3) The Clerk is directed to send a copy of this Minute Order to all counsel of
29 record.

1
2 Filed and entered this 13th day of February, 2009.
3

4 BRUCE RIFKIN, Clerk
5

6 s/ Claudia Hawney
7 By Claudia Hawney
8 Deputy Clerk
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26